IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 19908 of 2004

Between:

Smt. K. Sasikala, W/o K. Jeevarathnam,
R/o D.No. 1-3/5, Thummalagunta Village,

Tirupati Rural Mandal, Chittoor District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Tirupati Rural Mandal, Tirupati, Chittoor District.
2 The Mandal Parishad Development Officer, Tirupati Rural Mandal, Tirupati, Chittoor District.
3 The Sarpanch, Thummalagunta Gram Panchayat,
Tirupati Rural Mandal, Chittoor District.
4 The Assistant Engineer, A.P. Transco, Rurals,
Tirupati , Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in attempting to close or seal off my bore well, apart from disrupting the power supply, without following the due process as is prescribed under the provisions of the A.P. Water, Land and Trees Act, 2002, as being illegal, arbitrary and without jurisdiction and direct the respondents not to interfere with my enjoyment of the bore well, and grant such other relief as it deems fit in the circumstances of the case.

Counsel for the Petitioner:MR.GURRALAARUN

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: JYOTHI ESWAR GOGINENI, Standing

Counsel

Counsel for the Respondent No.3:----

Counsel for the Respondent No.4: SMT M.VINOBA DEVI, Standing Counsel

The Court at the stage of admission made the following ORDER:

By the impugned notice dated 02-09-2004 issued by the first respondent-Mandal Revenue Officer, Tirupati, the petitioner was informed that by digging a bore well within 200 meters from the public water source, she is using the ground water for commercial purpose by selling the same through tankers, which is prohibited and therefore, why action shall not be taken against her for such exploitation, to which, she submitted her explanation on
07-09-2004. But no final orders, as such, were passed on the said application and as the respondents are trying to close the bore well, she moved this Court by way of present writ petition.

In view of the same, without passing any final orders on the explanation submitted by the petitioner, the respondents shall not close the bore well of the petitioner but at the same time, the petitioner shall not draw the water for monetary consideration except for personal use. If the petitioner draws water for commercial use by supplying through tankers, it is always open to the respondents to stop such exploitation until passing of such final orders.

The writ petition is accordingly disposed of. No costs.

29th OCTOBER, 2004.

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To

1 The Mandal Revenue Officer, Tirupati Rural Mandal, Tirupati, Chittoor District.
2 The Mandal Parishad Development Officer, Tirupati Rural Mandal, Tirupati, Chittoor District.
3 The Sarpanch, Thummalagunta Gram Panchayat,
Tirupati Rural Mandal, Chittoor District.
4 The Assistant Engineer, A.P. Transco, Rurals,
Tirupati , Chittoor District.

5 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad (OUT)

6 Two CD copies.